GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Bagalkot Cement Co., Ltd., Bagalkot.

Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers.—

(i) Letter No. I. T. No. 1012/67-68, dated 1st March 1968 rom Shri A. Panchakshariah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 29th February 1968.

Present:

Sri A. Panchakshariah, B.A., (Hons), LL.B., Presiding Officer.

I. D. No 24 of 1967.

The Workmen of Bagalkot Cement Co., Ltd., Bagalkot ... *I Party*
The Management of Bagalkot Cement Co. Ltd., Bagalkot ... *II Party*

Appearances:

For the I Party: Sri B. T. Murnal, Vice President, Bagalkot Cement Company Employees' Welfare Union, Bagalkot.

For the II Party: Sri B. Narayanaswamy, Advocate, and Sri M. S. Shetty, Personnel Officer, Bagalkot Cement Co., Ltd., Bagalkot.

ORDER.

(Government Order No. LMA 490 LLD 65, dated 26th April 1967).

AWARD

Two points of dispute have been referred for adjudication by the Government of Mysore in their Order No. LMA 490 LLD 65 dated 26th April 1967. The two points of dispute referred under Section 10 (1) (d) of the Industrial Disputes Act, 1947 are as follows :—

"1. Is the Management of Bagalkot Cement Co., Ltd., Bagalkot, District Bijapur, justified in retrenching the 44 workers as per the annexure enclosed with effect from 31st July 1965?

If not, to what benefits are the workers entitled?

2. Is the said Management justified in terminating the services of Sri N. C. Byali, Works Hospital?

If not, to what benefits is the worker entitled?"

This reference was registered as I. D. No. 24 of 1967 and notices were issued to the I Party to file the claim statement. The I Party represented by Sri B. T. Murnal, Vice President of Bagalkot Cement Co., Employees' Welfare Union, Bagalkot, filed the claim statement on 29th May 1967 supporting their demands

2. The II Party is the Management of the Bagalkot Cement Co., Ltd., Bagalkot. The Company filed its counter statement on 23rd June 1967 signed by Sri M. S. Shetty, Personnel Officer, on behalf of the II Party. On the pleadings, issues were framed and the case was posted for recording evidence at Bagalkot Camp. On 5th January 1968 both the parties reported that Point No. 1, namely, the retrenchment of 44 workers was settled and a Memorandum of Settlement was sent signed by the Vice President, B. T. Murnal, Bagalkot Cement Company Employees' Welfare Union, its Secretary, Subbanna Sheekalodi, on behalf of the I Party and Mr. R. Panday, Works Manager and Sri M. S Shetty Personnel Officer. According to this settlement, the I Party workmen undertook not to press the demand with regard to the first point of dispute in the order of Reference. This was done in view of the fact that all the legitimate claims including retrenchment compensation had been paid to the concerned workmen by the II Party. The II Party also agreed to give the unloading contract to Sri Shivappa Shankarappa Munavalli and Sri Mukkanna Somappa Shikkeri, representatives of the said 44 workmen who shall act as Unloading Contractors and in turn engage the retrenched

workers at their discretion as and when possible for unloading coal, Gypsum, Fire bricks, Lining plates and Grinding media. The details of the settlement has been noted in the Memorandum of Settlement filed by both the Parties on 5th January 1968. On the first point of dispute, this memorandum of settlement will form a part of this Award.

3. The case was then posted for recording evidence on the second point of dispute *viz.*, the termination of the services of Sri N. C. Byali. On 27th February 1968, both the parties have sent a Memorandum of Settlement signed by both of them reporting the settlement of the dispute with regard to the point No. 2. Again Sri B. T. Murnal as Vice President of the I Party has signed as also Sri Subbanna Sheekalodi, the Secretary and Sri N. C. Byali, the individual concerned. On behalf of the II Party, Sri R Pandey, Works Manager and Mr. M. S. Shetty, Personnel Officer have signed the settlement. According to this Memorandum of Settlement, the II Party has agreed to re-employ Mr. N. C. Byali, as a compounder in the Works Hospital on a basic pay of Rs. 62.40 per month in the grade 'C' *i.e* Rs. 62.40 3.90-93 60 plus other allowances admissible thereunder. The continuity of service from the date of termination is also given but with no back wages except for 12 days, Mr. Byali had worked from 1st October to 12th October 1965. The details of the settlement on point No. 2 are given in the Memorandum of Settlement and Sri N. C. Byali is asked to report himself for duty within one month from the date of the publication of the award in terms of the settlement. The I Party has, therefore, agreed not to press this dispute. Accordingly, I pass an award on both the points of dispute No. 1 and No. 2 in terms of the Memorandum of settlements dated 30th December 1967 and 19th February 1968 on points Nos. 1 and 2 respectively. Both the Memorandum of Settlements will form a part of the Award. In the circumstances of the case, I make no order as to costs.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal.
Bangalore.
29-2-68

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, IN MYSORE, BANGALORE.

Reference in I. D. No. 24 of 1967

Between

The Workmen of Bagalkot Cement Co., Ltd,, represented by Vice President of Bagalkot Cement Company Employees' Welfare Union, Bagalkot, ... *I Party*

and

The Management of Messrs. Bagalkot Cement Company Ltd., Bagalkot. ... ... *II Party.*

In the matter of the above dispute between the 44 workmen only represented by the First Party Union and the Second Party Management, the parties to the dispute, after having discussions, have come to an amicable settlement on the following terms and conditions, and it is respectfully submitted that the Hon'ble Tribunal may be pleased to pass an Award in terms of the settlement mentioned below :—

1. The workmen agree not to press their demands regarding reinstatement with back wages of the 44 workers who were retrenched from the services of the Company, in view of the fact that all the legitimate payments including retrenchment compensation have been paid to the concerned workmen by the second party management.

2. The Second Party Management has agreed to give the unloading contract to Sri Shivappa Shankarappa Munivalli and Sri Mukkanna Somappa Shikkeri, representatives of the said 44 workmen, who shall act as Unloading Contractors and in turn engage the retrenched workers at their discretion as and when possible for unloading coal, gypsum, fire bricks, lining plates and grinding media.

3. The workmen agree that the unloading contract work shall be carried on by the Contractors, and the persons engaged by them shall have no right whatsoever against the Company.

4. The workmen agree that the Industrial Dispute Ref. No. I. D. 24 of 1967, pending adjudication before the Hon'ble Industrial Tribunal in Mysore, Bangalore, be dismissed as 'Not

Pressed' in respect of the first point of dispute of 44 workmen only, referred to in the order of Reference No. S. O. 855 dated 26th April 1967. Both the Parties agree that there shall be no order as to costs.

Dated at Bagalkot this 30th day of December 1967.

Signature of the I Party Union, Representatives of the Bagalkot Cement Company Employees' Welfare Union, Bagalkot.

1. (Sd). B. T. Murnal,
   Vice President,
   Bagalkot Cement Company
   Employees' Welfare Union.

2. (Sd). S. B. Sheelkalodi,
   Secretary,
   Bagalkot Cement Company Employees' Welfare Union.

Signature of the II Party Management,
For Bagalkot Cement Company Ltd., Bagalkot.

1. (Sd). R. Pandey,
   Works Manager

2. (Sd). M. S. Shetty,
   Personnel Officer.

Witnesses :

1. (Sd). B. S. Ghali, B.A., LL.B.
   Pleader, Bagalkot.

2. (Sd). S. N. V. Inamdar,
   Welfare Officer,
   B. C. C. Ltd.,
   Bagalkot.

Signatures of the 44 workmen referred to in the order of Reference

Sriyuths.—

1.	Dyamanna Parasappa,	L.T.M.	of Dyamanna Parasappa..
2.	Mallappa Tippanna ...	do	of Mallappa Tippanna
3.	Irappa Rayappa. ...	do	of Irappa Rayappa
4.	Shanmukappa Gurapadappa	do	of Shankarappa Gurupadappa
5.	Buddesab Hussainsab. ...	do	of Buddesab Hussinsab
6.	Mallappa Sangappa. ...	do	of Mallappa Sangappa
7.	Shivappa Shankrappa. ...		Sd. Shivappa Sankrappa
8.	Keludeppa Yallappa ...	do	of Keludeppa Yallappa
9.	Ramappa Narayanappa ...	do	of Ramappa Narayanappa
10.	Keludeppa Adiweppa ...	do	of Keludeppa Adiweppa
11.	Madevappa Rangappa ...	do	of Madevapa Rangappa
12.	Kasimali Kudansab ...	do	of Kashimali Kudansab
13.	Ramappa Yallappa ...	do	Ramappa Yellappa
14.	Mukkanna Somanna ...		Sd. Mukkanna Somanna
15.	Kallappa Ramappa ...		Sd. Kallappa Ramappa
16.	Irappa Chanabasappa ...	do	of Irappa Chanabasappa
17.	Kidiyappa Basappa ...	do	of Kidiyappa Basappa
18.	Andaneppa Hanamantappa	do	of Andaneppa Hanumantappa
19.	Dundappa Ramappa ...		Sd. Dundappa Ramappa
20.	Sangappa Laxmappa ...	do	of Sangappa Laxmappa
21.	Hanumantappa Shankrappa	do	of Hanumantappa Shankrappa
22.	Bhimappa Govindappa ...		Sd. Bhimappa Govindappa
23.	Gudasab Pirasab ...	do	of Gudasab Pirasab
24.	Shankrappa Govindappa ...		Sd. Shankrappa Govindappa
25.	Ningappa Yellappa ...	do	of Ningappa Yellappa
26.	Pawadeppa Govindappa ...		Sd. Pawadeppa Govindappa
27.	Hanumant Balappa ...	do	Hanumant Balappa
28.	Babu Dongrisab ...	do	of Babu Dongrisab
29.	Shinappa Wallappa ...	do	of Shinappa Wallappa
30.	Bhimappa Siddappa ...	do	of Bhimappa Siddappa
31.	Shankrappa Desappa ...		(Sd). Shankrappa Desappa
32.	Muttappa Irappa ...	L.T.M.	of Muttappa Irappa
33.	Shankrappa Ummappa ...	do	of Shankrappa Ummappa

34.	Kallappa Aminappa	...	L.T.M. of Kallappa Aminappa
35.	Ramappa Taverappa	...	do of Ramappa Tavareppa
36.	Ningappa Hanumantappa		do of Ningappa Hanumantappa
37.	Shankrappa Keru	...	do of Shankrappa Keru
38.	Yamanappa Bhimappa	...	do of Yamanappa Bhimappa
39	Umalappa Deshappa	...	do of Umalappa Deshappa
40.	Yallappa Nurandappa	...	do of Yallappa Nurandappa
41.	Usmanasabad Ibrihasab	...	Sd. Usmanasabad Ibrihsab
42.	Donaleppa Pomappa		do of Donaleppa Pomappa
43.	Madev Ranuba Hagudi Token No. 851	...	do of Madev Ranuba
44.	H. M. Attar Token No. 1043		(Sd). Hasan Mohiyuldin Atar

ANNEXURE 'A'

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL IN MYSORE. BANGALORE.

Reference.

I. D. No. 24 of 1967.

Between.

The workmen of Bagalkot Cement Co., Ltd., represented by Vice President of Bagalkot Cement Company Employees' Welfare Union, Bagalkot ... ... *I Party*

And

The Management of Messrs. Bagalkot Cement Company Ltd., Bagalkot ... ... *II Party*

In the matter of the above dispute between the Workmen and the Management regarding the termination of the services of Shri N.C. Byali, referred to as the Second Point of dispute in the Order of Reference No S. O. 855 dated 26th April 1967, the parties to the dispute have come to an amicable settlement on the following terms and conditions, and it is respectfully submitted that the Hon'ble Tribunal may be pleased to pass an Award in terms of the settlement mentioned below.

1. The Company agrees to re-employ Shri N. C Byali as a Compounder in the Works Hospital, on a basic pay of Rs 62.40 per month in the grade 'C'. *i.e.* Rs. 62.40–3.90–93.60, *plus* other allowances admissible thereunder. He will be given the continuity of service, but he will not be entitled for back wages Shri Byali will be paid for the 12 days he has worked from 1st October to 12th October 1965, (both days inclusive), at the rate of Rs.100 00 per month. He will be further paid the leave period wages for the leave accumulated by him till the time of his retrenchment, amounting to Rs.203.33.

2. The Union and the workman concerned agree not to press their demands in relation to the second point of dispute set out in the order of reference No. S O. 855 dated 26th April 1967 and further submit that the Hon'ble Tribunal may be pleased to pass an Award to the effect that the reference is not pressed.

3. The Workmen agree that Shri N. C. Byali should report for work within one month from the date of the publication of the Award in terms of this Settlement.

4. Both the parties agree that there shall be no order as to costs.

Dated at Bagalkot this 19th day of February 1968.

Signature of the I Party-Workmen.	Signature of the II Party-Management.
(Sd.) 1. R.T. Murnal Vice President, Bagalkot Cement Company Employees Welare Union Bagalkot.	1. (Sd.) R. Pandey, Works Manager.
(Sd.) S. B Sheeksiodi, Secretary, Bagalkot Cement Company Employees' Welfare Union, Bagalkot.	2. (Sd.) M. S. Shetty, Personnel Officer.
(Sd.) N. C. Byali,	

Witnesses:

1. (Sd.) B. S. Ghali, B.A., LL.B.
   Pleader, Bagalkot.
2. (Sd.) N. V. Inamdar,
   Welare Officer,
   Bagalkot Cement Co., Ltd.,
   Bagalkot.

"True Copy"

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal,
Bangalore.